

**IN THE PUNJAB AND HARYANA HIGH COURT  
AT CHANDIGARH**

**Civil Revision No.2900 of 1994 (O&M)**

**Date of decision: 20.02.2014**

State of Punjab

.. Petitioner

v.

Sain Dass

.. Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. Aman Bahri, Additional Advocate General, Punjab.

**Rajesh Bindal, J.**

Challenge in the present petition filed by the State is to the order dated 22.04.1994 passed in an application filed by the respondent under Order 21 Rule 32 CPC alleging non-compliance of the decree passed in his favour on 01.12.1990.

Learned counsel for the State submitted that after the petitioner was acquitted in the criminal case registered against him by this court in Criminal Revision No.197 of 1992, he was paid all his retiral dues. Thereafter, he has expired.

The suit filed by the respondent was decreed directing the State to grant promotion and also salary from 6.6.1974 to 23.9.1981. Learned counsel for the State submitted that though the salary was paid, but promotion was not granted on account of conviction of the respondent.

Considering the fact that after acquittal of the respondent by this court in Criminal Revision No.197 of 1992, he has been paid all his retiral dues and has even expired thereafter, in my opinion, nothing survives in the litigation initiated by the respondent including the application filed by the respondent under Order 21 Rule 32 CPC. Accordingly while disposing of the present petition, even the aforesaid application filed under Order 21 Rule 32 CPC by the respondent is disposed of as infructuous.

Copy of this order be sent to the learned court below.

(Rajesh Bindal)  
Judge

20.2.2014

*sharmila*